

Response Deadline: July 7, 2020 at 4:00 p.m. (est)

Hearing date: July 14, 2020 at 10:00 a.m. (est)

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Attorneys for Defendants

PMAC LENDING SERVICES, INC.

and PMC BANCORP

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re

LEHMAN BROTHERS HOLDINGS, INC.,
et al.,

Debtors.

Chapter 11

Case No. 08-13555 (SCC)

**DECLARATION OF AMJAD M. KHAN IN SUPPORT OF DEFENDANTS PMAC
LENDING SERVICES, INC. AND PMC BANCORP F/K/A PROFESSIONAL
MORTGAGE CORP.'S RESPONSE TO LEHMAN BROTHERS HOLDINGS INC.'S
MOTION IN AID OF ALTERNATIVE DISPUTE RESOLUTION PROCEDURES ORER
FOR INDEMNIFICATION CLAIMS OF THE DEBTORS AGAINST MORTGAGE
LOAN SELLERS**

DECLARATION OF AMJAD M. KHAN

I, Amjad M. Khan, declare:

1. I am an attorney at law admitted pro hac vice to practice in this Court. I represent Defendants PMAC Lending Services, Inc. (“PMAC”), PMC Bancorp f/k/a Professional Mortgage Corp. (“PMC Bancorp”), and Reliant Mortgage Company, LLC (“Reliant”). I make this declaration in support of PMAC and PMC’s response to Lehman Brother Holdings, Inc.’s (“LBHI”) motion in aid of alternative dispute resolution procedures order for indemnification claims of the debtors against mortgage loan sellers (the motion referred to as the “ADR Motion”). I have personal knowledge of the facts set forth below and if called to testify, I could and would competently testify thereto.

2. LBHI has never contacted me regarding a mediation involving PMAC as a purported successor to PMC.

3. On June 23, 2020, attempting to avoid further motion practice and save the Court and parties resources, I sent a letter to counsel for LBHI indicating that both PMAC and PMC were willing to participate in mediation. I requested that LBHI withdraw its ADR Motion as to PMAC and PMC Bancorp and to respond by July 3, 2020. Attached hereto as **Exhibit A** is a true and correct copy of that letter.

4. On June 29, 2020, I received an email from LBHI counsel Brant Kuehn. Mr. Kuehn asked if he heard that “[my] client would be interested in attempting a mediation?” Mr. Kuehn’s email did not mention whether LBHI was willing to withdraw its ADR Motion. I responded later that week and requested that we speak on the following Monday, July 6. Attached hereto as **Exhibit B** is a true and correct copy of that email chain.

5. On July 6, I sent an email to LBHI counsel Adam Bialek, following up on my June 23 correspondence, asking if LBHI would be willing to withdraw its ADR Motion as to PMAC and PMC Bancorp. Attached hereto as **Exhibit C** is a true and correct copy of that email chain.

6. Mr. Kuehn responded to my last email in **Exhibit B** the next morning and the parties set up a conference call for 2:00 p.m.

7. Around 2:00 p.m. (est), I further conferred with LBHI's counsel regarding the ADR Motion. The parties discussed the motion, PMAC and PMC's request for LBHI to withdraw it, and ADR procedures in general. The parties preliminarily agreed to mediation with the exact details to be further worked out. LBHI offered to extend the date of PMAC and PMC's response to the ADR Motion, with the potential that a response and hearing may ultimately not be necessary but did not offer to withdraw the ADR Motion as against them.

I declare under penalty of perjury under the United States Constitution that the foregoing is true and correct. Executed on July 7, 2020 at Los Angeles, California.

/s/ Amjad M. Khan
Amjad M. Khan